

To: "Nawi, David" [David_Nawi@ios.doi.gov]
Cc: CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;CN=Erin
Foresman/OU=R9/O=USEPA/C=US@EPA[]; N=Erin
Foresman/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Fri 2/17/2012 8:07:56 PM
Subject: Update on BDCP 404 permitting

Our staff level meeting with DWR this morning was cancelled due to scheduling conflicts. I have not yet heard back from Michelle Morrow on what the "official" DWR position is regarding finalizing a NEPA/404 MOU. As you know, the Corps is under the impression that DWR has pulled the plug on this MOU effort.

I will follow up with Michelle on Tuesday.

If you are talking to Mark or Jerry and think of it, you may want to flag this as a loose end.

I think where yesterday's federal call ended is that (a) both the Corps and EPA think that the MOU is a good idea, but (b) this is solely the applicant's call.

Given the federal legislation mandate to coordinate with the State, and wearing my legal hat, I think we need to keep pursuing this until we get a definitive answer from DWR as to their wishes.

Have a good weekend!

Tom Hagler
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street, RC-2
San Francisco, California 94105-3901
Phone: (415) 972-3945
Email: hagler.tom@epamail.epa.gov